

Ambulance Fee Blowback: Andrews Blasts Leggett

Councilman questions use of on-the-clock firefighters as lobbyists

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By Paige L. Hill

County Councilman Phil Andrews (D-Dist. 3) isn't happy, even though voters recently turned down the controversial Ambulance Fee proposal.

Though a driving force behind the defeat of the referendum, Andrews (D-Dist. 3) said Tuesday he still is upset with how the referendum has divided volunteer and career firefighters, has questions for County Executive Ike Leggett, like: "Why?"

"The county executive has gone farther than he ever has to push something," Andrews said in an exclusive interview. "The lengths to which he went were massively unprecedented and unnecessary."

The legislation proposed that county residents' insurance companies, Medicare and Medicaid be charged between \$300 and \$800 for an ambulance ride, depending on distance. The County Executive remained unwavering that such a fee would not deter residents from calling 911, nor would they be charged with any fee.

"The surrounding communities like the District and northern Virginia already have these in place," Leggett said.

The County Executive announced in October that rejecting the ambulance fee could mean major budget cuts in the future and the laying off of more than 100 firefighters to make up for the loss of \$12.9 million in net revenue the county factored into this fiscal year's budget. But Andrews said that with the county income tax revenue figures coming in from the state later this month, many cuts could be avoided — perhaps all of them.

"If our income tax revenue comes in just one percent higher, just one percent higher than what was expected, that \$12.9 million will be covered," Andrews said. "If you look at our hefty budget, \$12.9 million isn't actually a big number for us to factor in."

Andrews, who chairs the county's Public Safety Committee, said that should the county have to make up for the full loss, several other budget cuts would be made before ever looking at cutting jobs within the public safety sector. The county could refinance a few offices and refrain from taking on new hires for a few months to make up for the possible loss.

"We would have to make up the revenue in millions of dollars of cuts," Leggett said in September when asked what would happen if the Ambulance Fee did not pass. "It would be across the board, and it includes everything from libraries to recreation to fire and rescue services itself, which is the ironic part."

"If that revenue doesn't come from there, then we have to turn around and reduce the budget by \$12.9 million during this fiscal year," county representative Patrick Lacefield said. "And that decision will also affect our future budgets in the years to come."

“We will not be laying off fire fighters,” Andrews said. “And if you look at the evidence, the call for those layoffs were only coming from the executive office, not from county council, not anywhere else.”

The Ambulance Fee has been divisive since it was first proposed seven years ago; it narrowly passed this May in a county council 5-4 vote. Leggett released a statement following the vote that suggested the Ambulance Fee issue was over.

“If we had failed to implement an EMS Transport fee, our options would have been to increase taxes further,” Leggett’s statement read. “That is unacceptable.”

Volunteer firefighters and rescue teams vocally opposed the vote and began a petition process to get the Ambulance Fee on the ballot with a voter referendum. They collected nearly 53,000 resident signatures to do just that, but the victory seemed short-lived when the county’s Board of Elections rejected thousands of signatures for being illegible or not matching a registered voter’s name.

“If we applied these rules to every petition process it would be virtually impossible to ever get a voter referendum, which is just wrong,” Andrews said. The petitioners appealed the election board’s decision with the help of lawyers from District law firm Skadden, Arps, Slate, Meagher & Flom who worked pro bono. They appeared before a judge in the Maryland Court of Appeals in late September. The county executive also testified at that hearing and said he upheld the election board’s decision, according to Andrews.

“Ike went to court and tried to prevent Montgomery County voters from voting,” Andrews said. The Court of Appeals turned over the decision and gave the voters a referendum on the ballot just a month shy of last week’s election.

“Voters should be thanking the people who appealed the decision and basically upheld their right to vote,” Andrews said. But those who got the issue finally on the ballot would find that their David versus Goliath fight had only begun.

In the final days before the vote, supporters of the Ambulance Fee formed a committee called the “Vote for Question A” campaign made up of members of the state delegation and the League of Women Voters; it was chaired by Delegate Sheila Hixon (D). The supporters resorted to what some residents called “intimidating” tactics to gain their vote — fire trucks were parked outside of polling places and uniformed firefighters passed out information on the fee. On-the-clock county employees pushed the Ambulance Fee per the county executive’s instruction. Large posters covered county buildings, fliers were passed out by the thousands, and almost every county e-mail listserv was utilized as a promotional tool. Supporters of the fee even campaigned at local Friday-night football games.

“I mean is nothing sacred?” Andrews said. “The real question now is how much did it all cost? — it’s an inappropriate use of taxpayer money.”

Andrews said he is calling for a full accounting of the costs associated with the campaign to pass the Ambulance Fee from the county executive’s office. He said he will pay particular attention to discretionary spending, employee salaries and expenditures on printing. Phone calls made to Leggett’s office regarding the costs were not returned.

“The county executive doesn’t have the right to assign county employees to jobs that promote a political issue,” Andrews said. County Fire Chief Richard Bowers confirmed to The Sentinel in

October that the uniformed firefighters pushing the fee at several locations were being paid on the county dime to pass out fliers.

“They have the right to a freedom of speech, the same as everyone else,” Bowers said at the time.

Many residents, including the director of the county’s Volunteer Fire and Rescue Associate, Eric Bernard, objected to that line of reasoning, saying that he believed the move was illegal. Bernard filed a lawsuit against the county to stop county-paid employees from campaigning for the fee during their shifts, but the lawsuit was dismissed just hours before the election.

“What the county is doing is legal — end of story,” County Attorney Marc Hansen announced following the lawsuit dismissal. Hansen referred to a county personnel code which states a county employee has a right to “defend a county law.”

“When something like this goes to a voter referendum, I would say that it has stopped being anything that falls under that code and is now a political agenda,” Andrews said. “There needs to be a law changed, apparently.”

The emotional and political repercussions are yet to come, according to Andrews, who said the real damage remains within the fire department between career and volunteer fire fighters.

“Ike held nothing back — he would not accept ‘no,’” Andrews said.